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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	OMRF 177 DIV
First Inventor	John B. Harley
Title	Assays and Therapies for Latent Viral Infection
Express Mail Label No.	EL 717 747 096 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages 44] (preferred arrangement set forth below)	a. <input type="checkbox"/> Computer Readable Form (CRF)
- Descriptive title of the invention	b. Specification Sequence Listing on:
- Cross Reference to Related Applications	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or
- Statement Regarding Fed sponsored R & D	ii. <input checked="" type="checkbox"/> Paper .....
- Reference to sequence listing, a table, or a computer program listing appendix	c. <input checked="" type="checkbox"/> Statements verifying identity of above copies
- Background of the Invention	
- Brief Summary of the Invention	
- Brief Description of the Drawings (if any)	
- Detailed Description	
- Claim(s)	
- Abstract of the Disclosure	
4. <input type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets _____]	
5. Oath or Declaration [Total Sheets _____]	
a. <input type="checkbox"/> Newly executed (original or copy)	9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)	10. <input checked="" type="checkbox"/> 37 CFR 3.73(b) Statement <input type="checkbox"/> Power of Attorney (when there is an assignee)
i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).	11. <input type="checkbox"/> English Translation Document (if applicable)
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations
13. <input checked="" type="checkbox"/> Preliminary Amendment	14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. <input checked="" type="checkbox"/> Other: Items 9. & 10. are from prior application..... Serial No. 09/718,693.....	

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

Continuation       Divisional       Continuation-in-part (CIP)      of prior application No.: 09/718,693.....

Prior application information: Examiner A. R. Salimi      Art Unit: 1648  
For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.  
The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	23579	<b>OR</b>	<input type="checkbox"/> Correspondence address below
Name	Patrea L. Pabst, Holland & Knight LLP		
Address	2000 One Atlantic Center 1201 West Peachtree Street		
City	Atlanta	State	GA
Country	United States of America	Telephone	(404) 817-8473
Name (Print/Type)	Patrea L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284
Signature	Date August 22, 2003		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03913 U.S. PTO  
10/646112

08/22/03

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# FEE TRANSMITTAL

## for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 639.00)

## Complete if Known

Application Number	Divisional of 09/718,693
Filing Date	August 22, 2003
First Named Inventor	John B. Harley
Examiner Name	
Art Unit	
Attorney Docket No.	OMRF 177 DIV

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number  
50-1868  
Deposit Account Name  
Holland & Knight LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 750	2001 375	Utility filing fee	375.00
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 375.00)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims			Fee Paid
	Fee from below			
40	-20** = 20	X	9.00	= 180.00
5	- 3** = 2	X	42.00	= 84.00
Multiple Dependent			0	= 0.00

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$ 264.00)

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

(Complete if applicable)

SUBMITTED BY			
Name (Print/Type)	Patreo L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284 Telephone (404) 817-8473
Signature		Date	August 22, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OMRF 177 DIV - 078617/00016

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John B. Harley, Judith A. James, and Kenneth M. Kaufman

Serial No.: Divisional of 09/718,693

Express Mail Label  
No. EL 717 747 096 US

Filed: August 22, 2003

Date of Deposit: August 22, 2003

For: *ASSAYS AND THERAPIES FOR LATENT VIRAL INFECTION*

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR FILING A DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), Applicants enclose for filing the attached new patent application entitled "*Assays and Therapies for Latent Viral Infection*". This application is a divisional of pending prior application Serial No. 09/718,693, filed November 22, 2000, entitled "*Assays and Therapies for Latent Viral Infection*", by John B. Harley, Judith A. James, and Kenneth M. Kaufman, which claims the benefit of U.S. Serial No. 60/167,212 filed November 24, 1999. The application includes 1 page of abstract, 38 pages of specification, 5 pages of claims, 4 pages of sequence

Divisional of U.S.S.N. 09/718,693  
Filed: August 22, 2003  
**REQUEST FOR FILING A DIVISIONAL**  
**APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 747 096 US  
Date of Deposit: August 22, 2003

listing, and a copy of the executed Declaration for Patent Application from prior application

Serial No. 09/718,693.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/718,693, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/718,693.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for Serial No. 09/718,693, filed November 22, 2000, by John B. Harley, Judith A. James, and Kenneth M. Kaufman. Sequence listings in computer readable form were submitted in application Serial No. 09/718,693 on October 8, 2002. No subsequent sequence listing was submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), Applicants hereby request that the computer readable form of the sequence listing submitted in application Serial No. 09/718,693 on October 8, 2002, be used as the computer readable form of the sequence listing for the new application. The application has a paper copy of the Sequence Listing incorporated therein.

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing present in the new application, that the Sequence Listing does not add new

Divisional of U.S.S.N. 09/718,693  
Filed: August 22, 2003  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
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Date of Deposit: August 22, 2003

matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 09/718,693 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers ; (b) Statement Under 37 CFR §3.73(b); and (c) Notices of Recordation of Assignments of rights from Judith A. James and Kenneth M. Kaufman to Oklahoma Medical Research Foundation; from John B. Harley to The Board of Regents of the University of Oklahoma; and from The Board of Regents of the University of Oklahoma to Oklahoma Medical Research Foundation.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$639.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 5 independent claims and a total of 40 claims upon entry of the enclosed Preliminary Amendment.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, Applicants enclose a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

Divisional of U.S.S.N. 09/718,693  
Filed: August 22, 2003  
**REQUEST FOR FILING A DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)**  
Express Mail Label No.: EL 717 747 096 US  
Date of Deposit: August 22, 2003

All correspondence concerning this application should be mailed to:

Customer No. 23579  
Patrea L. Pabst, Esq.  
HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, GA 30309-3400

This application is being filed on August 22, 2003, by mailing the application to  
Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"  
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this  
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,



Patrea L. Pabst  
Reg. No. 31,284

Date: August 22, 2003

HOLLAND & KNIGHT LLP  
2000 One Atlantic Center  
1201 West Peachtree Street, N.E.  
Atlanta, Georgia 30309-3400  
(404) 817-8473 (Telephone)  
(404) 817-8588 (Fax)

Divisional of U.S.S.N. 09/718,693  
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Express Mail Label No.: EL 717 747 096 US  
Date of Deposit: August 22, 2003

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, August 22, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 747 096 US, addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Pam Turnbough

Pam Turnbough

Date: August 22, 2003

ATLI #590576 v1